

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

RANDY BAUMBERGER, DON EKMAN)
and BRUCE GIESBRECHT,)

Plaintiffs,)

vs.)

HOLLYWOOD ENTERTAINMENT)
CORPORATION,)

Defendant.)
_____)

MARK PERKINS,)

Plaintiff,)

vs.)

HOLLYWOOD ENTERTAINMENT)
CORPORATION, MOVIE GALLERY,)
INC., and JOE THOMAS MALUGEN,)

Defendants.)
_____)

Civil Case No. 05-1108-PK (Lead Case)

ORDER

Civil Case No. 05-1452-PK
(Consolidated)

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on October 17, 2006. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Plaintiffs have filed objections to the Findings and Recommendation and the defendants have filed a response.

When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issue raised in plaintiff's objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Papak's Findings and Recommendation (#89). Plaintiffs' Motion for Summary Judgment (#18) is DENIED. Defendants' Motion to Dismiss State Law Claims and Strike Perkins' Demands for Punitive Damages and Jury Trial (#74) is GRANTED. Defendants' Motion for Summary Judgment (#76) is GRANTED as to Perkins' claim for violation of state wage law and is DENIED as moot as to Perkins' claim for tortious interference with economic relations.

Dated this 30th day of November, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge